

**ORIGINAL**

IN THE DISTRICT COURT IN AND FOR TULSA COUNTY, OKLAHOMA

2016 OCT 26 PM 2:30

State Of Oklahoma, -VS-  <b>MUSONDA, LUBUTO</b> SS.# [REDACTED]-1116 DOB 06/[REDACTED]1990	Case No. <b>CF-2015-770</b> Count No. <b>3</b>
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**JUDGMENT AND SENTENCE**  
**All Time In Custody**  
**Felony**

**DISTRICT COURT**  
**FILED**  
OCT 26 2016

Now, this 24<sup>TH</sup> day of OCTOBER, 2016 this matter comes on before the Court for sentencing and the defendant appears personally and by his or her Attorney of record, LARRY EDWARDS, and the State of Oklahoma is represented by KATIE KOLJACK, and the Court Reporter, ANN FITE is present.

The defendant has been convicted by a jury and is found guilty by the Court of the crime of CHILD ABUSE BY INJURY, in violation of 21 O.S. 843.5 (A)(B)  
Date Of Offense: 02/07/2015.

**IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED by the Court that the defendant, is guilty of the stated offense and is sentenced to TEN (10) YEARS all under the custody and control of the DEPARTMENT OF CORRECTIONS, WITH CREDIT FOR ALL TIME SERVED AND EARNED. COUNTS IN THIS CASE TO RUN CONSECUTIVE TO EACH OTHER.**

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that in addition to the preceding terms, and the general miscellaneous costs of this action, the defendant is also sentenced to: a fine in the amount of **\$5,000.00**; Victim's Compensation Assessment in the amount of **\$100.00**; PLUS COURT COSTS.

IT IS FURTHER ORDERED BY THIS COURT THAT JUDGMENT IS HEREBY ENTERED against the defendant for all costs, fees, fines, and assessments ordered in this action and he or she is ordered to report immediately

**EXHIBIT 1**

**ADDITIONAL FINDS AND FACTS AND CONCLUSIONS OF LAW**

At the time of formal sentencing the sentencing judge, on the record, shall either complete the additional findings or review form 13.8(A) which has been completed by the parties to ensure its accuracy. Upon completion of the form it shall be ordered filed of record and be attached as Exhibit 1 to the Uniform Judgment and Sentence filed in the case.

**EXHIBIT 1:** Additional Findings of the Court to Case No. CF 15 770 Defendant Lubuto Musesa  
in the District Court of \_\_\_\_\_ County.

**I. Original Charges**

(A copy of the information may be attached instead)

Please list any additional charges on a separate attached sheet.

**Offense****Statute Citation**

child Abuse  
Robbery 2nd  
Ad B on PC  
cruelty to Animals

**II. Prior Felony Convictions**

Please list all prior felony convictions or attach the OSBI rap sheet.

**Offense****Date****Statute Citation**

child ~~Abuse~~ Abuse  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**III. Enhancer Information**

1. Did the offender commit the current offense with the use of a weapon within the immediate possession and control of the offender? ☐ Yes ☒ No If yes, please indicate type of weapon.  
\_\_\_\_\_

2. For persons who are victims of violent crimes, please indicate the age of the victim(s) \_\_\_\_\_

3. If the controlling offense was a theft offense (larceny, embezzlement, fraud, concealing stolen property) what was the total amount involved in that offense?  
\$ \_\_\_\_\_

4. If the controlling offense was a drug offense, what was the predominant drug and what was the amount of that drug (specify grams, ounces, etc.)?  
Drug Type: k-2  
Quantity: \_\_\_\_\_

**IV. Offender Characteristics**

(A copy of the pre-sentence investigation may be attached instead.)

**Gender (Circle)**

Male

Female

**Race (Circle)**

White

Black

Hispanic

Native American

Asian

This exhibit shall not be admitted into evidence in any future prosecutions.

Certified this \_\_\_\_\_ day of \_\_\_\_\_,

[Signature]  
Attorney for State

[Signature]  
Attorney for Defendant

[Signature]  
Judge of the District Court

upon conclusion of this sentencing hearing, or within ten (10) days of discharge, if the defendant is currently incarcerated, to the Tulsa County Court Clerk to pay all costs, fines, fees, and assessments ordered in this action - or - to the Tulsa County Court Cost Administrator to make arrangements to pay the costs, fines, fees, and assessments as ordered pursuant to the Rule 8 Hearing held this day.

The Court further advised the defendant of his or her right to appeal to the Court of Criminal Appeals of the State of Oklahoma and of the necessary steps to be taken by him or her to perfect such appeal, and that if he or she desired to appeal and was unable to afford counsel and a transcript of the proceedings, that the same would be furnished by the State, subject to reimbursement in accordance with 22 § O. S. 1355.14, 20 § O. S. 106.4 (b), and, ADC-72-33.

In the event the above sentence is for incarceration in the Department of Corrections, the Sheriff of Tulsa County, Oklahoma, is ordered and directed to deliver the defendant to the Lexington Assessment and Reception Center at Lexington, Oklahoma, and leave therewith a copy of this Judgment and Sentence to serve as warrant and authority for the imprisonment of the defendant as provided herein. A second copy of this Judgment and Sentence to be warrant and authority of the Sheriff for the transportation and imprisonment of the defendant as herein before provided. The Sheriff is to make due return to the clerk of this Court with his proceedings endorsed thereon.

### COURT CLERK'S DUTY

[TRIAL JUDGE TO COMPLETE THIS SECTION]

**IT IS FURTHER ORDERED** that the Clerk of this Court shall register or report the following circumstances in accordance with the applicable statutory authority:

( ) As to Count(s) \_\_\_\_\_, the defendant is ineligible to register to vote pursuant to Section 4-101 of Title 26.

( ) Pursuant to Section 985.1 of Title 22, the Court departed from the mandatory minimum sentence of imprisonment as to Count(s) \_\_\_\_\_.

( ) As to Count(s) \_\_\_\_\_, the defendant is subject to the Methamphetamine Offender Registry requirements as set forth in Section 2-701 of Title 63.

( ) Defendant is a lawyer and certified copies of this document shall be transmitted to the Chief Justice of the Supreme Court and the General Counsel of the Bar Association within five (5) days as set forth in Rule 7.2 of the Oklahoma Rules of Professional Conduct, 5 O.S.Supp.2014, ch. 1, app. 1-A.

Witness my hand the day and year first above mentioned.

Witness my hand this 2 OCTOBER, 2016

  
JUDGE KELLY GREENOUGH

ATTESTATION:

SALLY HOWE SMITH  
District Court Clerk Tulsa County

By:   
Aaron Stiles Deputy

**OFFICER'S RETURN OF SERVICE**

Received this order the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and executed it by delivering said defendant to the Warden of the Lexington Assessment and Reception Center at Lexington, Oklahoma on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

VIC REGALADO, SHERIFF, TULSA COUNTY, OKLAHOMA

By: \_\_\_\_\_  
Deputy

**COURT CLERK'S CERTIFICATION**

I, Sally Howe Smith, District Court Clerk for Tulsa, Oklahoma, hereby certify that the foregoing is a true, correct and full copy of the instrument herewith set out as appears on record in the Court Clerks Office of Tulsa, Oklahoma.

Dated this the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

SALLY HOWE SMITH, DISTRICT COURT CLERK, TULSA COUNTY, OKLAHOMA

By: \_\_\_\_\_, Deputy